

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **PENDING CLAIMS**

Claims 1 and 4-8 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1 and 4-8 will be pending for further consideration and examination in the application.

### **NON-STATUTORY DBL PAT. REJECT. - TERMINAL DISCLAIMER FILED**

The obviousness-type double patenting rejection of claim 1 as set forth on page 3 of the "Detailed Action" of the Office Action, is respectfully traversed. However, in order to travel a path of least resistance to obtaining a patent for the present application, submitted herewith is an executed Terminal Disclaimer to overcome the non-statutory double patenting rejection. As a result of the foregoing, reconsideration and withdrawal of the double patenting rejection of the subject claims are respectfully requested. The above statements, or the filing of any Terminal Disclaimer, should not be taken as an indication or admission that the rejection was valid, but is merely use of a procedural

approach to obtain a patent (without prejudice or disclaimer) as quickly as possible given that the present application's patent may have coextensive term anyways as measured from the same original filing date, regardless of the Terminal Disclaimer. Further discussions/arguments concerning such rejection(s), claims and/or reference are left for the future if/when appropriate.

As a final point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

#### **'101 REJECTION - BEAUREGARD CLAIM(S)**

Claim 4 has been rejected under 35 USC 101, apparently because such claims were allegedly not written in an acceptable Beauregard format. Applicant respectfully submits that appropriate ones of the rejected claims have been rewritten in another manner believed to be a proper Beauregard format. Based upon the foregoing, reconsideration and withdrawal of the '101 rejection are respectfully requested. It is noted that the claim amendments made within the present paper are editorial amendments made for the purpose of striving to an acceptable Beauregard claim, and that such Beauregard amendments would not trigger any need for further search and consideration, because the amended Beauregard language of claim 4 is substantially similar to the Beauregard language of claim 5, for example. Thus, the amendments should be entered irrespective of the finality of the Office Action.

### **REJECTION UNDER 35 USC '102**

The 35 USC '102 rejection of claims 1 and 4-8 as being anticipated by Miike et al. (U.S. Patent 5,767,414) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims. That is, Applicant respectfully submits the following comments from Applicant's foreign patent representative.

The Examiner has stated that Miike et al discloses in Fig. 95 an input start and an input stop for the document, as well as displaying two different images representing the input start and the input end. However, Miike et al. does not disclose the "still picture group management information" including first and first recording time and last

recording time of the still picture images in a still picture group. At each time when a still picture is taken by a still camera, the still picture data is recorded into a storage medium while a time when the still picture is taken is checked and compared with the first recording time or the last recording time of the still picture group management information. If the recording time at which the newly recorded still picture data is taken is earlier or later than the first recording time or the last recording time, the first recording time or the last recording time is revised with the recording time at which the newly recorded still picture data is taken.

The input start time and the input end time of the "document" disclosed in Miike et al are not the first recording time and the last recording time at which the still picture is taken and recorded in the recording medium. That is, the input start time or the input end time of Miike et al.'s document represents a time of operations on the retrieval target data such as start time or end time of editing a moving picture in a document or data entry time by input the data into the system.

Applicant respectfully submits attached herewith, a comparative diagram showing the data structures of document in Miike et al and the still picture group management information. As is apparent from such comparative diagram, one may understand the difference between Miike et al and Applicant's invention.

Gagne also does not disclose the "still picture group management information" including first recording time and last recording time of the still picture images in a still picture group.

In addition to the foregoing, the following additional remarks from the

Undersigned are also submitted in support of traversal of the rejection and patentability of Applicant's claims. More particularly, each Miike et al's "document" is a single-computer-file entity such as a word processing file, or an index (e.g., of picture images) of, for example, a video program. Miike et al. FIG. 95's "Input start" and "Input end" related to the start/end of Miike et al's "document", not the picture images, i.e., the picture images appear to just show what scene may be viewed at the "document's start, and which scene may be viewed at the "document" end. Note that there is also a "Scene Change" picture image in Miike et al.'s FIG. 95 which shows what scene may be viewed at a scene change. Nowhere does Miike et al. disclose that the "Input start" and/or "Input end" time directly relate to any FIG. 95 picture.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '102 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 rejection, and express written allowance of all of the '102 rejected claims, are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.37453CX2) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Paul J. Skwierawski/  
Paul J. Skwierawski  
Registration No. 32,173

PJS/slk  
(703) 312-6600  
Attachment: Comparative sketch

